

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Application of Pacific Gas and Electric Company
for Recovery of Pre-Deployment Costs of the
Advanced Metering Infrastructure (AMI) Project.
(U 39 M)

Application 05-03-016
(Filed March 15, 2005)

**ADMINISTRATIVE LAW JUDGE'S RULING
GRANTING THE MARCH 15, 2005
PACIFIC GAS AND ELECTRIC COMPANY
MOTION FOR LEAVE TO FILE DOCUMENTS UNDER SEAL**

On March 15, 2005, Pacific Gas and Electric Company (PG&E) filed an application for recovery of pre-deployment costs for its Advanced Metering Infrastructure project and a motion for leave to file certain materials under seal. Specifically, PG&E seeks protection of the information contained in Table A-1 that appears on page A-2 of its prepared testimony. PG&E requests that the materials it seeks to protect be accorded confidential treatment pursuant to Pub. Util. Code § 583. PG&E argues that protection of the materials is necessary to ensure that potential bidders for Advanced Metering Infrastructure not be privy to the utility's cost expectations of the technology or their technology choices. After reviewing the redacted materials in the March 15, 2005 filing, I find that the material for which leave to file under seal is sought is appropriate for protection.

I grant the request by PG&E to file the requested materials in its March 15, 2005 testimony under seal. PG&E shall make the protected material available under a mutually agreeable protective order to any party in the proceeding but may withhold the protected materials from vendors that might bid to supply the

products and services under consideration in the Advanced Metering Infrastructure Project.

On May 31, 2005, PG&E filed a motion for leave to file additional materials under seal. Specifically, PG&E seeks protection of portions of its prepared supplemental testimony served on May 31, 2005 that appear on page 7, lines 24 through 33 and page 8, lines 5-7. Because this testimony was served, rather than filed, PG&E did not need to file a motion for leave to file this material under seal. Instead, I will handle the request to have redacted and unredacted versions of the testimony marked for identification at the prehearing conference, through marking exhibits to reflect their confidential nature, as appropriate. I note that The Utility Reform Network (TURN) also served redacted and unredacted testimony in this proceeding, which we also will mark accordingly. Therefore, at this time I will deny the May 31, 2005 motion for leave to file under seal as moot, but direct the Commission's Central Files to destroy the materials attached to the motion because that material will enter the record through admission of testimony if so offered.

At the prehearing conference, parties may address the continuing need for protection of the materials that have been designated as confidential by this ruling, and how we will ensure that the Commission has sufficient public information available to decide this matter. Parties should be prepared to discuss at the prehearing conference any procedural means that will be necessary to ensure a complete record and concurrently protect appropriate material.

Good cause appearing, **IT IS RULED** that:

1. Pacific Gas and Electric Company's (PG&E) request for certain material to be filed under seal on March 15, 2005 is granted to the extent set forth herein.

2. PG&E's May 31, 2005 motion is denied. Admission of redacted and unredacted versions of testimony will be discussed at the prehearing conference.

3. The Commission's Central Files should remove and destroy the materials submitted under seal with PG&E's May 31, 2005 motion from its files.

4. The confidential information, described above, is proprietary and competitively sensitive information. Public disclosure of this confidential information would jeopardize the ability of the utilities to obtain the lowest bids for products and services that are the subject of the Advanced Metering Infrastructure proceeding and thereby adversely affect ratepayers.

5. The confidential information will remain under seal for a period of two years from the date of this ruling. During this period, the information shall not be made accessible or disclosed to anyone other than (a) Commission staff; (b) other parties to this proceeding who have executed a reasonable nondisclosure agreement; or (c) upon the further order ruling of the Commission, the Assigned Commissioner, the assigned Administrative Law Judge (ALJ), or the ALJ then-designated as Law and Motion Judge.

6. PG&E may withhold the designated confidential information from potential bidders for the products and services at issue in the Advanced Metering Infrastructure project. To the extent that a party disputes its designation as a potential bidder, the party and the utility may bring that dispute to the attention of the assigned Administrative Law Judge for resolution.

7. If PG&E believes that further protection of this information is needed after two years, one or more of them may file a motion stating the justification for further withholding the information from public inspection, or for such other relief as the Commission rules may then provide. This motion must be filed no later than 30 days before the expiration of this protective order.

Dated June 22, 2005, at San Francisco, California.

/s/ MICHELLE COOKE

Michelle Cooke
Administrative Law Judge

CERTIFICATE OF SERVICE

I certify that I have by mail, and by electronic mail to the parties for whom an electronic mail address has been provided, this day served a true copy of the original attached Administrative Law Judge's Ruling Granting the March 15, 2005 Pacific Gas and Electric Company Motion for Leave to File Documents Under Seal on all parties of record in this proceeding or their attorneys of record and by electronic mail a courtesy copy to Application 05-03-015 and Rulemaking 02-06-001.

Dated June 22, 2005, at San Francisco, California.

/s/ FANNIE SID

Fannie Sid

N O T I C E

Parties should notify the Process Office, Public Utilities Commission, 505 Van Ness Avenue, Room 2000, San Francisco, CA 94102, of any change of address to insure that they continue to receive documents. You must indicate the proceeding number on the service list on which your name appears.